

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

VERGIL EURISTI MARTINEZ §  
§  
v. § CIVIL ACTION NO. G-02-718  
§  
DOUG DRETKE, DIRECTOR §  
OF TDCJ-CID §

**FINAL JUDGMENT**

For the reasons set forth in this Court's Opinion and Order entered on even date herewith, it is  
**ORDERED** that the "Petition for Writ of Habeas Corpus by a Person in State Custody" of Vergil Euristi  
Martinez is **GRANTED** insofar as it claims that Petitioner's trial attorneys provided ineffective assistance  
of counsel for failing to investigate mitigating evidence available to them.

It is further **ORDERED** that the death sentence entered on April 15, 1998, by the 23<sup>rd</sup> District  
Court of Brazoria County, Texas in Cause No. 32,079, styled *State of Texas v. Virgil Euristi Martinez*,  
is **VACATED**.

It is further **ORDERED** that the State of Texas shall initiate a new punishment proceeding in  
Cause No. 32,079 within 120 days of this Final Judgment. If appealed in a timely manner, this Final  
Judgment is **STAYED** pending resolution of the appeal. Any relief sought by the parties that is not  
specifically granted herein is **DENIED**.

**THIS IS A FINAL JUDGMENT.**

**DONE** at Galveston, Texas this 7<sup>th</sup> day of February, 2006.



Samuel B. Kent  
United States District Judge